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20 444 S. Flower Street, 24th Floor
21 Los Angeles, CA 90071
22 Tel: 213-236-0600 Fax: 213-236-2700

23 Attorneys for Defendant
24 CITY OF BURBANK

25 SUPERIOR COURT OF THE STATE OF CALIFORNIA
26 COUNTY OF LOS ANGELES

27 WILLIAM TAYLOR

28 Plaintiff,

v.

CITY OF BURBANK and DOES 1
through 100, inclusive,

Defendants.

Case No. BC 422252

Assigned to the Hon. John Shepard Wiley, Jr.,
Department 50

**DEFENDANT CITY OF BURBANK'S
NOTICE OF APPEAL RE: PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES**

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TO PLAINTIFF WILLIAM TAYLOR AND HIS COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT defendant and appellant City of Burbank ("City") hereby appeals from the order granting Plaintiff's Motion for Attorneys Fees in the amount of \$820,610.60, entered July 16, 2012. The Superior Court Clerk gave notice of entry of the order granting the Plaintiff's Motion for Attorneys Fees in the amount of \$820,610.60 by mailing the minute order to the parties on July 16, 2012. On July 16, 2012, the award of attorney's fees was inserted by the Court into the final judgment on general verdict dated April 12, 2012.

A true and correct copy of the Court's July 16, 2012 order and the Judgment on General Verdict are attached hereto as Exhibit A.

DATED: August 17, 2012

BURKE, WILLIAMS & SORENSEN, LLP

By: 

TRACI I. PARK
Attorneys For Defendant
CITY OF BURBANK

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and employed in Los Angeles County, California. I am
3 over the age of eighteen years and not a party to the within-entitled action. My business address
4 is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On August 17,
5 2012, I served a copy of the within document(s):

6 **DEFENDANT CITY OF BURBANK'S NOTICE OF APPEAL RE: PLAINTIFF'S**
7 **MOTION FOR ATTORNEY'S FEES**

- 8 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set
9 forth below on this date before 5:00 p.m.
- 10 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
11 fully prepaid, in the United States mail at Los Angeles, California addressed as set
12 forth below.
- 13 ☐ by placing the document(s) listed above in a sealed OVERNITE EXPRESS
14 envelope and affixing a pre-paid air bill, and causing the envelope to be delivered
15 to an OVERNITE EXPRESS agent for delivery.
- 16 ☐ by personally delivering the document(s) listed above to the person(s) at the
17 address(es) set forth below.

18 **SEE ATTACHED SERVICE LIST**

19 I am readily familiar with the firm's practice of collection and processing correspondence
20 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
21 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
22 motion of the party served, service is presumed invalid if postal cancellation date or postage
23 meter date is more than one day after date of deposit for mailing in affidavit.

24 I declare under penalty of perjury under the laws of the State of California that the above
25 is true and correct.

26 Executed on August 17, 2012, at Los Angeles, California.

27 

28 Erika Calderon

SERVICE LIST
Taylor v. Burbank
LASC, Case No. BC422252

Gregory W. Smith, Esq.
Law Offices of Gregory W. Smith
9100 Wilshire Blvd., Suite 345E
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Telephone: (310) 777-7894
Facsimile: (310) 777-7895

Christopher Brizzolara, Esq.
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Santa Monica, CA 90404
Telephone: (310) 394-6447
Facsimile: (310) 656-7701

Linda Miller Savitt, Esq.
Phillip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt, LLP
500 North Brand Boulevard, 20th Floor
Glendale, CA 91203-9946

Amy Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Attorney
275 East Olive Avenue
Post Office Box 6459
Burbank, CA 91510
Telephone: (818) 238-5707
Facsimile: (818) 238-5724

EXHIBIT A

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/16/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE

I. FLORES

DEPUTY CLERK

HONORABLE
7

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. AVENA, C/A

Deputy Sheriff

A. GONZALEZ, CSR #11612

Court Pro Tempore

Reporter

8:31 am

BC422252

Plaintiff

CHRIS BRIZZOLARA (X)

Counsel

DOUGLAS G. BENEDON (X)

WILLIAM TAYLOR (X)

VS

Defendant

LINDA MILLER SAVITT (X)

CITY OF BURBANK

Counsel

RONALD F. FRANK (X)

ROBERT J. TYSON (X)

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

MOTION OF PLAINTIFF WILLIAM TAYLOR FOR ATTORNEY'S FEES;

MOTION OF THE ABOVE NAMED PLAINTIFF FOR EXPERT WITNESS COSTS;

Motions as captioned above, are called for hearing and held.

The Stipulation and Order to Use Certified Shorthand Reporter having been signed by the Court and filed this date, the case proceeds with the reporter of record as reflected on the minute order.

The court issues a written tentative ruling in this matter. The court hears from counsel re Motion for Attorneys' Fees.

The matter is placed on second call, to hear from counsel re Motion for Expert Witness Fees.

LATER, AND OFF THE RECORD:

The matter is recalled. For this proceeding only the following attorneys are present:

For plaintiffs: Chris Brizzolara (X)

For defendants: Ronald F. Frank (x) and Robert J. Tyson (X)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/16/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE I. FLORES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

7

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Reporter

8:31 am

BC422252

Plaintiff

CHRIS BRIZZOLARA (X)

Counsel

DOUGLAS G. BENEDON (X)

WILLIAM TAYLOR (X)

VS

Defendant

LINDA MILLER SAVITT (X)

CITY OF BURBANK

Counsel

RONALD F. FRANK (X)

ROBERT J. TYSON (X)

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

The court hears from counsel re: Motion for Expert Witness Fees.

After hearing from counsel, the Court takes the above captioned motions, under submission.

Notice is waived.

LATER, OFF THE RECORD AND OUTSIDE THE PRESENCE OF ALL COUNSEL:

The Court rules on above captioned submitted motions as follows:

For all of the reasons stated in the Court's Rulings on Submitted Matters filed this date under separate cover, the Court rules as follows:

PLAINTIFF'S MOTION FOR ATTORNEYS' FEES:

For these reasons, the court will award plaintiff his reasonable attorneys' fees in the amount of \$820,610.60.

PLAINTIFF'S MOTION FOR EXPERT WITNESS FEES:

Plaintiff's motion to recover expert fees under Government Code Section 12965(b) is GRANTED in part. Plaintiff may recover \$22,925 in expert witness fees.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/16/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE

I. FLORES

DEPUTY CLERK

HONORABLE
7

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. AVENA, C/A

Deputy Sheriff

A. GONZALEZ, CSR #11612
Court Pro Tempore

Reporter

8:31 am

BC422252

Plaintiff

CHRIS BRIZZOLARA (X)

Counsel

DOUGLAS G. BENEDON (X)

WILLIAM TAYLOR (X)

VS

Defendant

LINDA MILLER SAVITT (X)

CITY OF BURBANK

Counsel

RONALD F. FRANK (X)

ROBERT J. TYSON (X)

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

Accordingly, the amount of costs, attorneys' fees and expert witness fees are entered into the Judgment on General Verdict filed on April 12, 2012.

The clerk is directed to give notice. A conformed copy of the court's Rulings on Submitted Matters and copy of the Judgment on General Verdict filed on April 12, 2012, are sent along with a copy of this minute order.

CLERK'S CERTIFICATE OF MAILING

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the minute order dated: 7/16/12; conformed copy of court's Rulings on Submitted Matters and a copy of Judgment on General Verdict filed on April 12, 2012, upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: 7/17/12

John A. Clarke, Executive Officer/Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/16/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE

I. FLORES

DEPUTY CLERK

HONORABLE
7

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. AVENA, C/A

Deputy Sheriff

A. GONZALEZ, CSR #11612
Court Pro Tempore

Reporter

8:31 am

BC422252

Plaintiff

CHRIS BRIZZOLARA (X)

Counsel

DOUGLAS G. BENEDON (X)

WILLIAM TAYLOR (X)

VS

Defendant

LINDA MILLER SAVITT (X)

CITY OF BURBANK

Counsel

RONALD F. FRANK (X)


ROBERT J. TYSON (X)

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

By:


I. Flores, Deputy Clerk

GREGORY W. SMITH

LAW OFFICES OF GREGORY W. SMITH

9100 Wilshire Boulevard, Suite 345E

Beverly Hills, CA 90212

CHRISTOPHER BRIZZOLARA

1528 16th Street

Santa Monica, CA 90404

LINDA MILLER SAVITT

BALLARD ROSENBERG GOLPER & SAVITT, LLP

500 North Brand Boulevard, 20th Floor

Glendale, CA 91203

✓ RONALD F. FRANK

ROBERT J. TYSON

BURKE, WILLIAMS & SORENSEN, LLP

444 S. Flower Street, 24th Floor

Los Angeles, CA 90071

CAROL A. HUMISTON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/16/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE

I. FLORES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

7 E. AVENA, C/A

Deputy Sheriff

A. GONZALEZ, CSR #11612
Court Pro Tempore

Reporter

8:31 am

BC422252

Plaintiff

CHRIS BRIZZOLARA (X)

Counsel

DOUGLAS G. BENEDON (X)

WILLIAM TAYLOR (X)

VS

Defendant

LINDA MILLER SAVITT (X)

CITY OF BURBANK

Counsel

RONALD F. FRANK (X)

ROBERT J. TYSON (X)

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

CITY OF BURBANK

275 East Olive Avenue

P.O. Box, 6459

Burbank, CA 91510

FILED
LOS ANGELES

APR 12 2012

JOHN A. CLARKE, CLERK
BY INGRID FLORES, DEPUTY

RECEIVED

MAR 21 2012

DEPT. 50

UNLIMITED JURISDICTION
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WILLIAM TAYLOR,

Plaintiff,

vs.

CITY OF BURBANK and DOES 1 through
100, inclusive,

Defendants.

CASE NO. BC 422 252

[Assigned to the Hon. John L. Segal,
Judge, Dept. "50"]

JUDGMENT ON
GENERAL VERDICT

Action Filed:
Trial:

September 22, 2009
March 5, 2012

This action came on regularly for trial on March 5, 2012, in Department "50" of the Los Angeles County Superior Court, the Honorable John L. Segal, Judge presiding. Plaintiff William Taylor was personally present and appeared through his attorneys, Gregory W. Smith and Christopher Brizzolara. Defendant City of Burbank appeared through its attorneys, Ronald F. Frank of Burke Williams & Sorenson LLP and Linda Miller Savitt of Ballard, Rosenberg, Golper & Savitt.

A jury of twelve persons and two alternates was regularly impaneled and sworn. Witnesses were sworn and testified, and exhibits were identified and received into

1 evidence.

2 After hearing the evidence and arguments of counsel, the jury was duly instructed
3 by the court and the case was submitted to the jury with directions to return verdict on the
4 general verdict which was submitted to the jury. The jury deliberated and thereafter
5 returned into court on March 19, 2012 with its verdict, which said verdict was in words and
6 figures as follows, to wit:
7

8 We, the jury in the above entitled action, find the following general verdict:

9 "Select one of the following two options:

10
11 X We find in favor of William Taylor and against City of Burbank and award
12 damages to William Taylor in the following amounts:

13 economic damages amount of \$1,048,579.00

14 non-economic damages amount of \$250,000.00
15

16 We find in favor of City of Burbank and against William Taylor.
17

18 Signed: Laura Groen
19 Presiding Juror

20 Dated: 3/19/2012
21

22 After this verdict form has been signed, notify the court attendant that you are
23 ready to present your verdict in the courtroom."
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1 It appearing by reason of said general verdict that Plaintiff William Taylor is entitled
2 to judgment against Defendant City of Burbank.

3 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff
4 William Taylor have judgment in his favor and recover from Defendant City of Burbank in
5 the amount of \$1,298,579.00 with interest thereon at the rate of seven (7%) percent per
6 annum from the date of the verdict until paid.
7

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff William
9 Taylor be granted the following injunctive relief pursuant to California Government Code §
10 12940:
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16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff William
17 Taylor is awarded costs in the amount of: \$ 8,939.49 (IF) and attorneys'
18 fees in the amount of \$ 820,610.60 (IF), and expert witness fees in the
19 amount of \$ 22,925.00. (IF)
20

21 Dated: April 12, 2012

22 
The Honorable John L. Segal
Judge of the Superior Court
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA)
3)
4 COUNTY OF LOS ANGELES)

5 I am employed in the County of Los Angeles, State of California. I am over the age
6 of 18 years of age, and am not a party to the within action; my business address is 9100
7 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

8 On the date hereinbelow specified, I served the foregoing document, described as
9 set forth below on the interested parties in this action by placing true copies thereof
10 enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

11 DATE OF SERVICE : March 21, 2012

12 DOCUMENT SERVED : (PROPOSED) JUDGMENT ON GENERAL VERDICT

13 PARTIES SERVED : SEE ATTACHED SERVICE LIST.

14 XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid
15 to be placed in the United States mail at Beverly Hills, California. I am "readily
16 familiar" with firm's practice of collection and processing correspondence for
17 mailing. It is deposited with U.S. postal service on that same day in the ordinary
18 course of business. I am aware that on motion of party served, service is
19 presumed invalid if postal cancellation date or postage meter date is more than one
20 day after date of deposit for mailing in affidavit.

21 XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to
22 Christopher Brizzolara, Esq. at the following e-mail address:
23 samorai@adelphia.net.

24 XXX (STATE) I declare under penalty of perjury under the laws of the State of California
25 that the above is true and correct.

26 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
27 court at whose direction the service was made.

28 EXECUTED at Beverly Hills, California on March 21, 2012.


Selma J. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

Christopher Brizzolara, Esq.
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Santa Monica, California 90404
(By Electronic Mail Only)

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